

## Message Text

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ACTION SS-15

INFO OCT-01 EA-07 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 NSCE-00 SSO-00

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FM AMEMBASSY MANILA

TO AMEMBASSY CANBERRA IMMEDIATE

INFO SECSTATE WASHDC IMMEDIATE 8410

C O N F I D E N T I A L MANILA 11564

E O 11652: GDS

TAGS: OVIP, RP, MARR (ROBINSON, CHARLES W.)

SUBJ: VISIT OF DEPSEC ROBINSON: PRESS GUIDANCE - STATUS OF  
MILITARY BASE NEGOTIATIONS

REF: MANILA 11493

1. THERE FOLLOW PROPOSED QUESTIONS AND ANSWERS ON  
STATUS OF MILITARY BASE AGREEMENT NEGOTIATIONS. THIS  
GUIDANCE SHOULD BE CONSIDERED TENTATIVE FOR REVIEW IN LIGHT  
OF AUGUST 6 MEETING WITH MARCOS.

2. BEGIN TEXT.

A) Q. I UNDERSTAND THAT SECRETARY KISSINGER EXPECTED TO  
COME TO MANILA IN EARLY AUGUST TO SIGN A REVISED MILITARY BASE  
AGREEMENT. SINCE YOU ARE HERE REPRESENTING THE SECRETARY, DO  
YOU PLAN TO SIGN SUCH AN AGREEMENT?

A. THE ASSUMPTION THAT THE U.S. WOULD DEFEND THE PHILIPPINES  
ONLY IF U.S. MILITARY BASES IN THE PHILIPPINES WERE ATTACKED  
IS NOT CORRECT. THIS ERRONEOUS CONCLUSION PROBABLY REPRESENTS  
A MISREADING OF OFFICIAL TESTIMONY RELATED TO WAR POWERS  
LEGISLATION ADOPTED BY THE U.S. CONGRESS IN  
RECENT YEARS. IN THAT TESTIMONY U.S. OFFICIALS STATED THAT  
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THE ONLY OCCASION WHEN U.S. FORCES IN THE PHILIPPINES

WOULD BE COMMITTED TO COMBAT IN THE ABSENCE OF A DECLARATION OF WAR WOULD BE IF U.S. MILITARY BASES WERE ATTACKED. OTHERWISE THE U.S. WOULD HAVE TO FOLLOW ITS NORMAL CONSTITUTIONAL PROCESSES IN DECIDING HOW TO REACT TO AN ATTACK UPON THE PHILIPPINES. IT IS CLEAR FROM THE WORDING OF EXISTING WAR POWERS LEGISLATION THAT U.S. FORCES COULD BE COMMITTED IN DEFENSE OF THE PHILIPPINES SUBSEQUENT TO A U.S. DECLARATION OF WAR OR SPECIFIC U.S. STATUTORY AUTHORIZATION.

B) Q. SOME PHILIPPINE AUTHORITIES CLAIM THAT THERE IS A QUALITATIVE DIFFERENCE BETWEEN THE U.S. DEFENSE RELATIONSHIP WITH THE PHILIPPINES AND THE U.S. OBLIGATIONS UNDER THE NATO TREATY BECAUSE UNDER NATO THE U.S. MILITARY RESPONSE TO AN ENEMY ATTACK WOULD BE "AUTOMATIC". IS THIS A VALID ASSERTION?

A. THIS ASSUMPTION ABOUT THE AUTOMATICITY OF THE NATO OBLIGATION IS ERRONEOUS. SENIOR U.S. OFFICIALS, INCLUDING FORMER SECRETARY OF STATE ACHESON IN TESTIMONY BEFORE THE U.S. SENATE ON THE RATIFICATION OF THE NATO TREATY, HAVE STATED THAT THE U.S. WOULD NOT BE AUTOMATICALLY AT WAR IF ONE OF THE OTHER NATO COUNTRIES WERE SUBJECTED TO ARMED ATTACK. UNDER OUR CONSTITUTION THE CONGRESS ALONE HAS THE POWER TO DECLARE WAR. IN THE EVENT OF AN ATTACK ON A NATO COUNTRY, THE DECISION ON THE U.S. RESPONSE WOULD BE TAKEN IN ACCORDANCE WITH OUR CONSTITUTIONAL PROCEDURES.  
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